

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Monday, February 21, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Vickie Abrego, Jason Knight, and Janet Moore were present. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation and led the Pledge of Allegiance to the Flag.

3. PRESENTATIONS AND PROCLAMATIONS:

There were no presentations or proclamations held.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no board appointments.

5. CONSENT AGENDA:

5.I Approval of Regular Meeting Minutes of February 7, 2022

A motion was made by Council Member Moore to approve Item 5.I, seconded by Mayor Pro Tem Scruggs and the motion passed.

6. PUBLIC HEARINGS:

6.1 Case No. 2202-02

1. Public hearing on granting renewal of a Conditional Use Permit to Richard Titus and Celia Barnes for one-year to allow a Recreational Vehicle to be placed onto Lots 26 and 27, Block 443, and used as a temporary dwelling for security purposes during construction of a Single-Family Dwelling.

Mayor Gomez declared the public hearing open. Osei Amo-Mensah, City Planner stated that applicants, Richard Titus and Celia Barnes are requesting a one-year renewal of their Conditional Use Permit (CUP) for placement of an RV during construction of their home. He added that the Planning and Zoning Commission met on February 14, 2022 and approved a one-year renewal. Mr. Mensah stated that during the initial permit, Mr. Titus fell of a ladder and broke his neck and as a result was not able to make progress on building the home and is now requesting a medical hardship.

Council Member Moore stated she supports the renewal but requested that staff follow-up on the progress after six (6) months, and Mr. Mensah responded that with CUP,

staff usually follows-up after three (3) months. Council Member Moore asked that staff report to council after 3 months.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting renewal of a Conditional Use Permit to Richard Titus and Celia Barnes for one-year to allow a Recreational Vehicle to be placed onto Lots 26 and 27, Block 443, and used as a temporary dwelling for security purposes during construction of a Single-Family Dwelling

A motion was made by Council Member Knight to grant a one-year extension of the Conditional Use Permit, seconded by Mayor Pro Tem Scruggs, and the motion passed.

6.II Case No. 2202-03 Zoning Text Amendment

1. Public hearing on amending Zoning Ordinance by amending Part III, Section 11, AG, R16, R10, R7A, R7B, D, A1, A2, A3, NS, SC, GB, CA, PD, and MH Zoning Districts, Residential Uses -514 and -610; providing for a repealer clause; and an effective date.

Mayor Gomez declared the public hearing open. Mr. Mensah stated the proposed text amendment is being recommended by the Planning and Zoning to address issues related to corner lots. He stated the issue is when property owners chose to turn the property to face the length dimension of the lot instead of the width dimension which affects the setback requirements. Mr. Mensah explained that instead of the variance process through the Zoning Board of Adjustment, if approved, this text amendment would allow the front setback to be a minimum of 10 feet, the rear yard setback a minimum of 6 feet, and both side yard setbacks to be a minimum of twenty-five (25) feet. Mr. Mensah stated this would only pertain to corner lots.

Council Member Moore asked if this would also apply to RV and/or manufactured home, and Mr. Mensah responded it applies only to stick build on-site properties.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance amending the Zoning Ordinance by amending Part III, Section 11, AG, R16, R10, R7A, R7B, D, A1, A2, A3, NS, SC, GB, CA, PD, and MH Zoning Districts, Residential Uses -514 and -610; providing for a repealer clause; and an effective date.

A motion was made by Council Member Moore to approve Item 6.II.2, seconded by Council Member Abrego, and the motion passed.

7. **CITY MANAGER:**

- 7.I Consider and Act on a donation in the amount of \$100 to the Port Aransas Fire Department in honor of Mayor Charles R. Bujan who died on February 9, 2022.

Mr. Edwards stated the purpose of this item is to show council action and to have on record that the City is making a donation to the Port Aransas Fire Department in honor of Port Aransas Mayor Charles R. Bujan.

A motion was made by Council Member Abrego to approve Item. 7.I, seconded by Council Member Knight, and the motion passed.

7.II Consider and Act to approve a one-year option with Malynda Williams for Professional Real Estate Broker Services through February 3, 2023.

Mr. Edwards stated the purpose of this item is for a second one-year renewal of the Professional Services Agreement with Malynda Williams. Council Member Moore stated that Ms. Williams was doing a good job for the city.

A motion was made by Mayor Pro Tem Scruggs to approve Item 7.II, seconded by Council Member Moore, and the motion passed.

7.III Consider and Act on approving a first amendment to Conn Brown Harbor Lease Agreement with Captain Cady's and a temporary lease for a one-year period beginning March 1, 2022 through March 1, 2023.

Mr. Edwards stated the purpose of this item is to approve the temporary solution to allow Captain Cady's to continue their operations until the bulkhead repairs are complete.

A motion was made by Council Member Moore to approve Item 7.III, seconded by Council Member Abrego, and the motion passed.

7.IV Consider, Discuss and Act on the meeting time for City Council Regular Meetings

Mr. Edwards explained the issue of the start time of city council meetings has been discussed in the past and it is being presented today for consideration of moving the time from 6:00 pm to 5:00 pm. Council Member Knight stated he supports staying with 6:00 pm, and council meetings should be at the convenience of the public, not at the convenience of the council.

Mayor Pro Tem Scruggs stated the business of the city is conducted between 8:00 am and 5:00 pm and there is also an opportunity to view the meeting online. Council Member Moore stated that workshop meetings begin at 5:30 pm and that seems to work. Mayor Pro Tem Scruggs asked if the city pays overtime for the city staff that is required to attend council meetings, and Mr. Edwards responded that most employees who attend the meetings are salary, but there are a few who are hourly employees and are paid the overtime rate.

A motion was made by Council Member Knight to leave the regular council meetings at 6:00 pm. The motion died for lack of second.

A motion was made by Mayor Pro Tem Scruggs to move the start time of the regular council meetings to 5:30 pm., seconded by Council Member Moore, and the motion passed; Knight voting No.

7.V Consider and Act on amending Resolution 2022-1000 ordering the election to be held The City of Aransas Pass on May 7, 2022 by changing the two twelve hours days to May 2 and May 3, 2022.

City Secretary Juarez explained the purpose of this amendment is to move the two twelve-hour early voting days from April 26, 2022 and May 2, 2022 to May 2-3, 2022

to coincide with the early voting days scheduled by San Patricio County.

A motion was made by Mayor Pro Tem Scruggs to approve Item 7.V, seconded by Council Member Moore, and the motion passed.

7.VI Consider and Act on approving Change Order No. 4 to the contract with JM Davidson for the Conn Brown Harbor Bulkhead in the amount of \$789,020.69.

Mr. Edwards explained that this change order relates to the ongoing issues related to the collapsing bulkhead at the Harbor. He stated this is a FEMA project and they are working with FEMA on the change orders, but a final decision has not yet been made.

Javier Solis, JM Davidson explained the bulkhead is old and a dangerous bulkhead and this change order includes 175 linear feet with new tiebacks, steel sheet piles, incase PVC, concrete deadman, and tie roads and would last the city approximately 100 years. Council Member Moore commented that going forward if consideration was given to the shrimp boats adding pressure to the seawall, and if Captain Cady placing the return tanks near the harbor, and Mr. Solis responded that he has not yet spoken with the Engineer or Captain Cady in regards to the set up but he would follow-up with them.

Council Member Knight asked how deep the sheet piles be placed, and Mr. Solis responded he has ordered 30 feet piles and will go in 15-17 feet. In response to a question from Council Member Abrego, and Mr. Edwards responded it has been 70-75 years where maintenance was not performed to the bulkhead. Mr. Solis suggested that a bulkhead should be inspected every 10 years, each time after a storm, or severe weather.

A motion was made by Mayor Pro Tem Scruggs to approve Item 7.VI, seconded by Council Member Abrego, and the motion passed.

7.VII Monthly Municipal Court Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

8. COMMUNITY ENRICHMENT:

8.I Consider and act on approving the use of the Aransas Pass Independent School District panther logo to be painted on the groundwater storage tank located on Avenue A at no cost to the city.

Kaylynn Paxson, Director of Community Enrichment reported that support for use of the Panther Logo was given by the school district. She also stated that this project would be funded solely through fundraising efforts.

A motion was made by Council Member Knight to approve Item 8.I, seconded by Mayor Pro Tem Scruggs, and the motion passed.

8.II Monthly Community Enrichment Department Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

9. DEVELOPMENT SERVICES:

9.I Consider and Act on awarding contract to Rain For Rent for the purchase of a Well Point System for an amount not to exceed \$74,243.26

Fernando Quintanilla, Director of Public Works stated this project relates to the American Rescue Plan (ARP) grant, is an in-house this project and will cover the project 100%. He stated that only one bid was received and is acceptable under the grant. Mr. Quintanilla stated the well point system will be used for deeper manholes. Council Member Moore asked where Rain for Rent is located, and Mr. Quintanilla responded they are from Corpus Christi.

A motion was made by Mayor Pro Tem Scruggs to approve Item 9.I, seconded by Council Member Abrego, and the motion passed.

9.II Monthly Building Department Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

9.III Monthly Public Works Department Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

However, Mr. Quintanilla provided a brief update on the status of the street lights. He stated of the 54 lights that were not working, 40 have been repaired, and they are working on repairing the remaining 14 street lights. Next, he reported that since the new work order system has been in place, they have repaired 35 fire hydrants and currently have 27 open tickets for minor repairs.

10. FINANCE:

10.I Monthly Finance Department Report – December 2021

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

However, Sandra Garcia, Director of Finance stated that the Sales Tax collected as of December 31, 2021 is \$684,544. She then reported that the city is currently at 4,560 water utility customers, and if FY 2018 the city had 3,833.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

12.I Presentation on the Abatement of property at 1000 W. Myrtle

Eric Blanchard, Police Chief displayed a before and after photo of the clean-up property at 1000 W. Myrtle and reported that a total of 342 tons of trash was collected at the site, and that the City would be placing a lien for the clean-up of the property.

12.II Consider and Act on approving the Police Chief to sign an agreement for fiver internet services from Frontier Communications for a fixed monthly price over the next 24 months knowing the City can cancel the contract at any time.

Mr. Blanchard, Police Chief stated the purpose of entering into an agreement with Frontier Communications is to prevent internet outages to the emergency services system. Mr. Blanchard stated it would be funded through the asset forfeiture fund.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.II, seconded by Council Member Abrego, and the motion passed.

12.III Consider and Act on approving a Resolution for the City of Aransas Pass to participate in the Texas SmartBuy Membership Program.

Mr. Blanchard stated this would allow the Police Department to purchase necessary blood draw kits for criminal justice processes. He stated the city is currently a member of SmartBuy, but there is no Resolution on file with the membership, and, if approve, the Resolution would be filed with the State.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.III, seconded by Council Member Abrego, and the motion passed.

12.IV Consider and Act on the issuance of a Request for Proposals for a fire station feasibility and facilities study.

Nathan Kelley, Fire Chief stated that \$10,000 was budgeted in the current budget to fund this study.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.Iv, seconded by Council Member Abrego, and the motion passed.

12.V Monthly Public Safety Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

12.VI 2021 Police Department Annual Highlights

Mr. Blanchard, Police Chief stated the purpose of this report is to provide an annual wrap-up of the department. He briefly discussed the services provided by the department.

12.VII 2021 Use of Force Annual Report

Mr. Blanchard stated the report is provided in written form.

12.VIII Monthly Fire Department Report – January 2022

Mr. Edwards announced that monthly department reports would now be presented on a quarterly basis, but will continue to be provided to council monthly as a written form.

However, Nathan Kelley, Fire Chief added a burn-ban order has been issued in San Patricio and Aransas counties.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Mr. Edwards displayed a photo of a "Panhandling Sign" that will be used to address panhandling at approximately three different locations.

14. CITIZEN COMMENTS:

Elise Chacon, 1200 S. Houston, commented on concerns related to NFIP program through FEMA which allows for lowers rates for flood insurance and is concern that the city is not adhering to these regulations, and also spoke on the following matters - development permit requirements; and Flood Plain Management Application.

Kelly Gualdoni, 209 W. Wheeler, commented on the following: 1) a council compliant process to address concerns, 2) how citizens can add items to council agenda or executive session, 3) high dollar expenses related to annexation, 4) loan monies used to pay for the annexation settlement, and 5) better communication with citizens.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 6:37 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

15.I.1 Section 551.071 – Municipal Lien – 1027 S. Lamont, Lots 4 and 5, Block 373

15.I.2 Section 551.071 – The State of Texas ex. Rel. Association Against Annexation Abuse vs. City of Aransas Pass, Texas, Cause No. A-19-0368-CV-C in the 343rd Judicial District Court of Aransas Court, Texas.

The council reconvened in open session at 8:18 pm.

A motion was made by Council Member Moore to release all municipal liens related to 1027 S. Lamont, Block 373, Lots 4 and 5, seconded by Council Member Abrego, and the motion passed.

16. ADJOURNMENT:

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 8:18 pm.



Ramiro Gomez
Mayor



Mary Juarez
City Secretary

Approved on: 3/07/2022